

and should be followed. Accordingly, the so-called Spectro-Chrome—the article proceeded against in this case—should be seized and condemned.

“Decree reversed and case remanded for further proceedings in conformity with this opinion.”

A petition for certiorari was subsequently filed in the Supreme Court of the United States on behalf of the claimant, and on October 13, 1947, the petition was denied. Thereafter, a petition for an order of seizure was filed by the Government, and on March 15, 1948, the court ordered the device re-seized. On March 19, 1948, judgment was entered ordering the condemnation and destruction of the device and its accompanying labeling.

2391. Misbranding of Spectro-Chrome. U. S. v. 1 Device * * * (and 5 other seizure actions). (F. D. C. Nos. 16879, 16900, 16901, 16910, 16915, 16923. Sample Nos. 76872-F, 4061-H, 4175-H, 13743-H, 13887-H, 23316-H.)

LIBELS FILED: On or about July 25, 26, and 30, 1945, Southern District of New York, Northern District of Ohio, Eastern District of Missouri, and District of Delaware.

ALLEGED SHIPMENT: Between the approximate dates of October 13, 1944, and July 9, 1945, from Newfield, N. J., by the Dinshah Spectro-Chrome Institute.

PRODUCT: 6 *Spectro-Chrome* devices at Bronx, N. Y., Cleveland and South Euclid, Ohio, St. Louis County, Mo., and Wilmington, Del. The construction and appearance of each device was essentially the same as the device involved in notices of judgment on drugs and devices, No. 2098.

The devices were accompanied by one or more of the following pieces of printed and graphic matter: “Spectro-Chrome Home Guide,” “Favorscope for 1944 [or “1945”],” “Rational Food of Man,” “Key to Radiant Health,” “Request for Enrollment as Benefit Student,” “Auxiliary Benefit Notice—Make Your Own Independent Income as Our Introducer,” “Spectro-Chrome General Advice Chart for the Service of Mankind — Free Guidance Request,” “Certificate of Benefit Studentship,” “Spectro-Chrome—December 1941—Scarlet,” “Spectro-Chrome—August 1944 [or “January 1945”],” “Spectro-Chrome—March 1945—Yellow,” “Spectro-Chrome in Every Home,” and “Spectro-Chrome Metry Encyclopedia.”

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the devices contained false and misleading curative and therapeutic claims in substantially the same respect as the device involved in notices of judgment on drugs and devices, No. 2098.

DISPOSITION: August 24, September 5 and 7, and November 21, 1945. Default decrees of condemnation. The devices were ordered delivered to the Food and Drug Administration, for experimental and investigational purposes and for use in other court cases which were pending or which might be filed in the future.

2392. Misbranding of Spectro-Chrome. U. S. v. 1 Device, etc. (F. D. C. No. 16838. Sample No. 4096-H.)

LIBEL FILED: July 19, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 18, 1945, by Dinshah Spectro-Chrome Institute, from Newfield, N. J.

PRODUCT: 1 *Spectro-Chrome* device at Allentown, Pa. The construction and appearance of the device was essentially the same as the device involved in notices of judgment on drugs and devices, No. 2098. The device was accompanied by the following pieces of printed and graphic matter: “Spectro-Chrome Home Guide,” “Favorscope for 1945,” “Rational Food of Man,” “Key to Radiant Health,” “Request for Enrollment as Benefit Student,” “Auxiliary Benefit Notice — Make Your Own Independent Income as Our Introducer,” “Spectro-Chrome General Advice Chart for the Service of Mankind — Free Guidance Request,” “Certificate of Benefit Studentship,” “Spectro-Chrome — December 1941 — Scarlet,” and “Spectro-Chrome — March 1945 — Yellow.”

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device contained false and misleading curative and therapeutic claims in substantially the same respect as the device involved in notices of judgment on drugs and devices, No. 2098.

DISPOSITION: An answer to the libel was filed on August 10, 1945, by La Rue E. Snyder, Allentown, Pa. Thereafter, exceptions to the answer were filed on